

JUN. 26. 2002 9:31AM

MBS&S 919 854-1401

NO. 9490 P. 4

#10/Response

Hawkins

7/3/02

**RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED  
PROCEDURE - EXAMINING GROUP 2834**

Attorney's Docket No. 9134-32CT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Dhuler                                  Group Art Unit: 2834  
Serial No.: 09/891,700                        Examiner: D. Le  
Filed: June 26, 2001                           Confirmation No.: 2751  
For:                    **MICROELECTROMECHANICAL DEVICE HAVING SINGLE  
CRYSTALLINE COMPONENTS AND METALLIC COMPONENTS**

June 26, 2002

Box AF  
Commissioner for Patents  
Washington, DC 20231

**RESPONSE AFTER FINAL**

Sir:

This communication is responsive to the Advisory Action mailed June 11, 2002. Applicant is further submitting concurrently herewith and attached hereto a copy of an assignment filed in connection with United States Patent No. 6,137,206 to Hill ("the '206 patent"). This assignment is the initial transfer from the inventor of the '206 patent to MCNC. Applicant mistakenly believed that this information was available to the Examiner and failed to note the initial assignment in the '206 patent in the Response filed June 4, 2002. Thus, as is clear from the documents submitted herewith and with the Response filed June 4, 2002, both the invention claimed in the present application and that claimed in the '206 patent were commonly owned by MCNC at the time the inventions were made and now rest in JDS Uniphase ("JDSU"). Accordingly, the '206 patent cannot be applied as a 102(e)/103 reference against the present application. *See M.P.E.P. ¶706.02(l)(2).* Therefore, the present rejections should be withdrawn.

**Conclusion**

For the reasons discussed above, Applicant respectfully submits that the present case is in form for allowance. Accordingly, Applicant requests allowance of the pending claims and passing of this application to issuance.

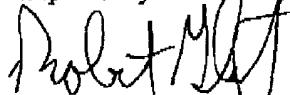
JUN. 26. 2002 9:30AM

MBS&S 919 854-1401

NO. 9490 P. 1

In re: Dhuler  
Serial No. 09/891,700  
Filed: June 26, 2001  
Page 2

Respectfully submitted,

  
Robert W. Glatz  
Registration No. 36,811

NFH

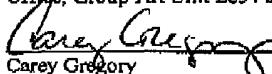
**Customer Number:**



20792  
PATENT TRADEMARK OFFICE

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being sent by facsimile transmission to the United States Patent and Trademark Office, Group Art Unit 2834 at (703) 872-9319 on June 26, 2002.

  
Carey Gregory  
Date of Signature: June 26, 2002  
252957

**FAX COPY RECEIVED**

JUN 26 2002

TECHNOLOGY CENTER 2800